

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 295

Legal Jurisdiction of Campus Police

SPONSOR(S): Kelly

TIED BILLS:

IDEN./SIM. BILLS: SB 554

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Public Safety & Domestic Security Policy Committee		Kramer	Kramer
2)	State Universities & Private Colleges Policy Committee			
3)	Criminal & Civil Justice Policy Council			
4)				
5)				

SUMMARY ANALYSIS

Each of the eleven state universities has a university police department. University police officers are authorized to enforce traffic laws and other state laws and county and city ordinances when the violation occurs on any property or facilities that are under the guidance, supervision, regulation or control of the state university.

This bill expands the jurisdiction of state university police officers to enforce the law. In particular, the bill authorizes state university police officers to:

- Enforce laws within defined jurisdictional areas as agreed upon in a mutual aid agreement with another law enforcement agency;
- Enforce traffic laws when the violations occur within 1,000 feet of any university owned or controller property or facilities;
- Enforce traffic laws beyond the 1,000-foot threshold when hot pursuit originates on university property or within 1,000 feet of university owned or controlled property or facilities; and
- Arrest persons for violations of state law or applicable county or city ordinances if the violation occurs on or within 1,000 feet of university owned or controlled property or facilities.

This bill will authorize university police to enforce laws beyond the jurisdiction of the campus. This may have a fiscal impact on the universities.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Mutual aid agreements: Section 23.1225, F.S. authorizes law enforcement agencies to enter into mutual aid agreements. The term is defined, in part to mean:

A voluntary cooperation written agreement between two or more law enforcement agencies, which agreement permits voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines. The agreement must specify the nature of the law enforcement assistance to be rendered, the agency or entity that shall bear any liability arising from acts undertaken under the agreement, the procedures for requesting and for authorizing assistance, the agency or entity that has command and supervisory responsibility, a time limit for the agreement, the amount of any compensation or reimbursement to the assisting agency or entity, and any other terms and conditions necessary to give it effect. Examples of law enforcement activities that may be addressed in a voluntary cooperation written agreement include, but are not limited to, establishing a joint city-county task force on narcotics smuggling, authorizing school safety officers to enforce laws in an area within 1,000 feet of a school or school board property, or establishing a joint city-county traffic enforcement task force.

The term "law enforcement agency" is defined to mean "any agency or unit of government that has authority to employ or appoint law enforcement officers, as defined in s. 943.10(1)." A copy of a mutual aid agreement must be filed with the Florida Department of Law Enforcement (FDLE). According to FDLE, several universities have existing mutual aid agreements on file with the department. For example the Florida State University police department has a mutual aid agreement with both the Leon County Sheriff's Office and the Tallahassee Police Department and the University of Florida Police Department has a mutual aid agreement with the Alachua County Sheriff's Office.

The bill adds to the examples within the definition of the term "mutual aid agreement" to include an agreement authorizing state university police officers to enforce laws within a specified jurisdictional area as agreed upon in the voluntary cooperation written agreement.

University police departments: Currently, section 1012.97, F.S. provides that each university is empowered and directed to provide for police officers for the university.¹ The eleven state universities each have a police department.² University police officers are required to meet the minimum standards

¹ Section 1012.88, F.S. relates to community college police. This section of statute is not included in the bill and the jurisdiction and duties of community college police are not impacted by the bill.

² Section 1000.02(6), F.S. defines the term "state university" as follows:

established by the Criminal Justice Standards and Training Commission.³ Currently, pursuant to s. 1012.97, F.S. university police have the right to arrest, in accordance with the laws of the state, any person for violation of state law or county or city ordinances when the violation occurs on any property or facilities that are under the guidance, supervision or control of the state university or a direct-support organization of the university. Arrests may be made off campus when hot pursuit originates on the property or facilities referenced above.

The bill expands the jurisdiction of university police by amending this section of statute to:

- authorize university police to arrest for violations of law that occur within 1,000 feet of the property or facilities referenced above;
- expand the places to include property or facilities that are under the guidance, supervision, regulation or control of any other organization controlled by the state university;
- authorize university police to arrest for violations of law that occur within a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with a law enforcement agency pursuant to s. 23.1225(1).

Traffic Enforcement: Section 316.640(1)(a)1.b., F.S. gives university police officers the authority to enforce all of the traffic laws of the state when violations occur *on or about* any property or facilities that are under the guidance, supervision or regulation, or control of a state university, a direct-support organization of a state university, or any other organization controlled by the state university or a direct-support organization of the state university. University police are also authorized to enforce traffic laws off-campus when hot pursuit originates on or adjacent to these properties or facilities.

The bill amends this section of statute to give university police the authority to enforce traffic laws when a violation occurs:

- within 1,000 feet of the property or facilities described above; or
- within a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with a law enforcement agency pursuant to s. 23.1225(1), F.S.

The bill also authorizes university police to enforce traffic laws off-campus when hot pursuit originates within 1,000 feet of the property or facilities described above.

B. SECTION DIRECTORY:

Section 1. Amends s. 23.1225, F.S.; relating to mutual aid agreements.

Section 2. Amends s. 316.640, F.S.; relating to enforcement.

Section 3. Amends s. 1012.97, F.S.; relating to university police.

Section 4. Provides effective date of July 1, 2009.

Except as otherwise specifically provided [the term], includes the following institutions and any branch campuses, centers, or other affiliates of the institution:

- (a) The University of Florida.
- (b) The Florida State University.
- (c) The Florida Agricultural and Mechanical University.
- (d) The University of South Florida.
- (e) The Florida Atlantic University.
- (f) The University of West Florida.
- (g) The University of Central Florida.
- (h) The University of North Florida.
- (i) The Florida International University.
- (j) The Florida Gulf Coast University.
- (k) New College of Florida.

³ See s. 943.13, F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This bill will authorize university police to enforce laws beyond the jurisdiction of the campus. This may have a fiscal impact on the universities.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill authorizes state university police to enforce traffic laws beyond 1,000 feet of university owned or controlled property or facilities when hot pursuit originates *on or within 1,000 feet* of such property. However, the bill does not provide commensurate authority to enforce state laws or county or city ordinances when in hot pursuit. State university police officers are only authorized to make an arrest *off campus* for a violation of state law or county or city ordinance that occurs on university owned or controlled property or facilities when hot pursuit originates on campus.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES